

2015 OCT 16 PM 1:50

UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF WISCONSIN

PETER OPPENEER
CLERK US DIST COURT
WD OF WI

SAMUEL HAYWOOD MYLES

PLAINTIFF,

vs.

MEDICAL STAFF DOCTOR

DOCTOR RAVI GUPTA

IN HIS INDIVIDUAL CAPACITY

AND HIS OFFICIAL CAPACITY

and

MEDICAL STAFF PHARMACIST

CHRISTINA KANNEL

IN HER INDIVIDUAL CAPACITY

AND HER OFFICIAL CAPACITY

DEFENDANTS,

et al,

MOTION FOR

RECONSIDERATION

FOR APPOINTMENT

OF COUNSEL

UNDER AND PURSUANT

TO

28 U.S.C.S. § 1915 (d)

and

28 U.S.C.S. § 1915 (e) (1)

Come now Pro-Se Plaintiff Samuel Haywood Myles, LePore
and within the United States District Court For The Wes-
tern District Of Wisconsin, who respectfully seek to file
and Motion For Reconsideration For Appointment Of Counsel
Under And Pursuant to... 28 U.S.C.S. § 1915 (d)... end...
28 U.S.C.S. § 1915 (e) (1).

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASE LAW _____ PAGE. (I). - (II).

STATEMENT OF THE CASE... ISSUES PRESENTED

- (1). (1). HYPERTENSION... (2). HYPERTENSION
MEDICATION (3)... (3). IV (intravenous)...
(4). Normal Saline Infusion... (5). EKG (ec) EEG
... (6). PODICTRIST (ec) CHIROPODIST...

PAGE. A. (1). - (4).

See... ATTACHMENT PAGE _____ PAGE. (1). - (2).

- (2). (addressing)... THE COMPLEXITY OF THIS
MEDICAL MALPRACTICE CASE

PAGE. B. (1). - (12).

- (3). (addressing)... EXPERT TESTIMONY REGARDING
TO HYPERTENSION

PAGE. C. (1). - (5).

See... ATTACHMENT PAGE & (3) PAGE EXHIBIT

TABLE OF CONTENTS

- (4). (addressing)... MEDICAL ATTENTION RECEIVED
BY PLAINTIFF

_____ PAGE D. (1). - (3).
See... ATTACHMENT PAGE of (3) PAGE EXHIBIT

- (5). (addressing)... MEDICAL ATTENTION RECEIVED
BY PLAINTIFF REGARDING TO EEG (or) ECG

_____ PAGE E. (1). - (2).
See... ATTACHMENT PAGE of (1) PAGE EXHIBIT

- (6). (addressing)... WHY THIS MEDICAL MALPRACTICE
CASE WARRANT EXPERT WITNESSES, EXPERT
TESTIMONY, FACTUAL INVESTIGATION and LEGAL
COUNSEL

_____ PAGE F. (1). - (10).
See... ATTACHMENT PAGE of (2) PAGE EXHIBIT
TABLE OF CONTENTS

_____ PAGE F. (11). - (12).
See... ATTACHMENT PAGE of (9) PAGE EXHIBIT

_____ PAGE F. (13). - (17).

TABLE OF CONTENTS

- (7). (addressing)... BEFORE THE DISTRICT COURT WHY
THIS PARTICULAR... (CASE)... WARRANT LEGAL
COUNSEL UNDER AND PURSUANT TO... (BOTH)...

SECTION 28 U.S.C. § 1915 (d)

SECTION 28 U.S.C. § 1915 (e)(1)

PAGE (6), (17), - (21).

See... ATTACHMENT PAGE 6 (19) PAGE EXHIBIT

- (8). (addressing)... EXPERT WITNESS WITHIN THE
MEDICAL FILE OF HYPERTENSION

PAGE (11), (17), - (22).

See... ATTACHMENT PAGE 6 (17) PAGE EXHIBIT

CONCLUSION

- (9). SUPPORTING FACTS... (FOR)... RECONSIDERATION
FOR APPOINTMENT OF LEGAL COUNSEL UNDER AND
PURSUANT TO BOTH SECTION... 28 U.S.C. § 1915 (d)...
28 U.S.C. § 1915 (e)(1)...

CERTIFICATE OF SERVICE

CASE LAW

- (1). *Fermer vs. Brennan*, 128 L. Ed. 2d 811, 114 S. Ct. 1970, 1979 (1994)
- (2). *Fermer vs. Hays*, 990 F. 2d 319, 322 (7th Cir.), cert denied, 128 L. Ed. 2d 372, 114 S. Ct. 438 (1993).
- (3). *Zarnes vs. Rhodes* 14 F. 3d 285, 1995
- (4). *Jackson vs. County of McLean*, 953 F. 2d 1070, 1071 (7th Cir. 1992)
- (5). *MacLin vs. Frecke*, 150 F. 2d 885, 887-89 (7th Cir. 1981)
- (6). *Fellen vs. United States*, 378 U.S. 139, 12 L. Ed. 2d 720, 84 S. Ct. 1289
- (7). *Bellend vs. Zimmer* No. 11 C L 782 (7th Cir. 2015)
- (8). *Forsythe vs. Rosen Case* No. 11-cv-07476 (7th Cir. 2015)
- (9). *Bennhill vs. Doiron*, 958 F. 2d 200, 203 (7th Cir. 1992)
- (10). *Pruthi vs. Mote*, 472 F. 3d 484, 489 (7th Cir. 2002)
- (11). *Messera vs. District of Massachusetts C.A. No. 11-12122 - MLW LEAD Docket No., C.A. No. 11-11705 - MLW CONSOLIDATED ACTION*
- (12). *Corney-Hoyer vs. Northwest Wisconsin Home Care, Inc.*, 2005 WI 118, ¶ 37, 284 W. 2d 52, 699 N.W. 2d 524.

CASE LAW

- (13). *Poel vs. 8K emp*, 2001 WI 42, ¶ 17, 242 Wis. 2d 507, 225 N.W. 2d 820.
- (14). *Allen vs. Thomas*, 388 F.3d 147, (5th Cir. 2004)
- (15). *Asyem vs. INS*, 294 F.3d 871 (9th Cir. 2002)
- (16). *McKammed vs. United States* L.F. Supp. 2d 582, (5th Cir. 1998)
- (17). *Gullette vs. State of Arizona Department of Correction* 254 F.2d 1007, (5th Cir. 1981)
- (18). *Grieverson vs. Anderson*, 538 F.3d 723, (7th Cir. 2007)
- (19). *Coles vs. ALB v/c, INC.*, No. 14 C 1452 (7th Cir. 2014)
- (20). *Bylund vs. Cook*, 584 F.2d 399, (5th Cir. 1978)
- (21). *Wingstrom vs. Evenston Hospital*, No. 90C 340 (7th Cir. 1992)

Come now Pro-Se Plaintiff Samuel Heywood Miller, who respectfully seek to file and Motion For Reconsideration For Appointment of Counsel Under and Pursuant to 28 U.S.C. § 1915 (d) and 28 U.S.C. § 1915 (e) (1) before and within the United States District Court For The Western District of Wisconsin.

Medical Malpractice Cases are Complexity legal issues necessity of factual investigation of expert testimony from and (full) Medical Terminology within the established Medical standard of care with skills (or) specialized knowledge within the comprehensible reason to fully explain the All Medical Terminology and as to the... ("Functioning")...
... of ...

(1). Hypertension (or) Hypertensive...

(1, (c)). Hypertension Medication...

... (1, em L0DIPine... (2). Lisinopril...

(2). IV... (intravenous)...

(3). Normal saline Infusion Solution...

(4). EKG (or) ECG... (electrocardiogram)...

(5). Podiatrist (or) Chiropodist...

... (the showing of Medical Malpractice requires expert testimony to establish the standard of care) ...

Medical Malpractice Case are Complexity of legal issues necessity of factual investigation necessity of expert testimony from within the Medical field.

... (and expert witness with direct Medical evidence of the cause and effect relationship between the impairment and the degree) ...

And expert witness with skill (or) specialized knowledge within the comprehensible reasons to fully explain within ... (1). testimony from the Medical field of Hypertension (or) Hypertensive ... (2). from and full Medical terminology as to how ... (and) ... why Plaintiff's blood pressure would lower and drop to 89/55 ... (3). from and expert witness reasoning that their testimony would raise a genuine issue of material fact for trial ...

This Medical Malpractice case warrant expert testimony from and within the Medical files to the particular care and fundamental of having and dealing with... (Hypertension (or) Hypertensive)...

The complexity of this case come with legal issues state that this case is (so) complex as to require and trained Attorney to litigate Pro-Se Plaintiff and Federal Inmate in forma pauperis statute provides that the District Court can request an Attorney to represent any Person that's unable to afford Legal Counsel. 28 U.S.C.S. § 1915 (e)(1).

(1). indigent Pro-Se Plaintiff Samuel Heywood Myles, have and has made reasonable efforts to retain Legal Counsel... (Under and Pursuant to 28 U.S.C.S. § 1915 (e)(1))

...

(2). indigent Pro-Se Plaintiff Samuel Heywood Myles, have and has attempt to obtain Legal Counsel... (Under and Pursuant to 28 U.S.C.S. § 1915 (e)(1))... Plaintiff forward over some... (170-LETTERS)... to

Attorney(s) within some . . . (10-States) . . . (Ohio) . . . (Michigan) . . . (Illinois) . . . (Wisconsin) . . . (Minnesota) . . . (Kentucky) . . . (Alabama) . . . (Maryland) . . . (Georgia) . . . (and) . . . (Indiana) . . .

. . . the District Court must recognize that in sum, that this action cannot proceed as pled without appointment of legal counsel. . . (28 U.S.C. § 1915 (d)) . . . (28 U.S.C. § 1915 (e) (1)) . . . Le-
cuse of the various legal impediments that's noted within this Medical Malpractice case . . .

. . . in which the District Court to determine whether the circumstances of a case are sufficient to . . . warrant . . . the appointment of . . . Legal Counsel . . . the District Court must examine the totality of the situation, focusing on the merits of the case, the complexity of the legal issues, and the litigant ability to represent himself . . .

Come now Pro-Se Plaintiff Samuel Heywood Miller, who respectfully seek to file and Motion For Reconsideration For Appointment of Counsel (or) Legal Representation Under And Pursuant To 28 U.S.C.S. § 1915 (d) . . . 28 U.S.C.S. § 1915 (e) (1) . . . before and within the United States District Court For The Western District of Wisconsin .

Come now Pro-Se Plaintiff Samuel Heywood Miller, who respectfully file and . . . (Bivens) . . . Complaint Under and Pursuant To 42 U.S.C. Section § 1983 regarding to and Medical Malpractice . . . (Claim) . . . in regard to and Medical Drug Overdose from and . . . (incorrect dosage) . . . of high blood pressure Medication (or) Medicine.

Plaintiff . . . (blood pressure) . . . would drop and . . . (lower to 189 OVER 55/1) . . . Plaintiff was fully . . . (unaware) . . . that he . . . (Plaintiff) . . . was having (or) experiencing and . . . ("Near-Death-Experience") . . . cause by and . . . (adverse-reaction) . . . from and . . . (incorrect dosage) . . . of two high blood pressure . . . (Medications) . . . in which would cause and . . . (Medical-Overdose) . . .

... (Fact is that Plaintiff Samuel Heywood Myles, would become... (dizzy)... (drowsy)... (weak)... before... (collapsing)... (er)... (passing out)...

... (Plaintiff Samuel Heywood Myles)... ("who")... would have to seek... (IMMEDIATELY-MEDICAL-ATTENTION RIGHT AWAY)... (Plaintiff Samuel Heywood Myles)... would receive the following in the form of... (Medical-Attention)... (IV intravenous drip for... (Normal saline Infusion Solution)... to... (Keep-Oxygen Flowing To "Plaintiff Samuel Heywood Myles" Brain)

... (Fact is that while seeking... (IMMEDIATELY-MEDICAL-ATTENTION)... ("Plaintiff Samuel Heywood Myles")... would personally be hooked up to and (EKG) (er) (ECG)... (Machine)... to... (monitor)... "Plaintiff Samuel Heywood Myles," (heart electrocardiogram galvanometric device that detects and records the minute difference in electropotential cause by heart action...

... (Fact is that on and about October 8, 2012, "Plaintiff Samuel Haywood Myles," would personally receive and pair of... (Crutches)... do to Plaintiff having pain in his... (left - ankle)...

... (Fact is that Plaintiff Samuel Haywood Myles, was fully unaware that from the October 8, 2012, incident that... (his)... (left - ankle... "was"... Broken... on... (both - sides)...

... (Fact is that on and about October 18, 2012, from the finding of reviewing and examining the... (Photographic Films)... from the 3 set's of... (X-Ray's)... would truly... ("reveal")... that from the October 8, 2012, incident that Plaintiff Samuel Haywood Myles, ... (left - ankle was Broken on both sides)

...

11/27/2012 1:39:24 PM

Mile BILAA Medical Center - Fey
Mile BILAA Clinic, LLP
Mile BILAA Medical Center

PATIENT: Semel Myles Inmate
DATE: 11/27, 2012 8:15 AM
VISIT TYPE: Office Visit

History of Present Illness:

This 56 year old male presents with:
1. Lt ankle injury

SUBJECTIVE: ... (in part) ...

(1). blocked out

(2). Sustaining an isolated injury to the
left ankle.

(2). He was diagnosed with a lateral malleolus fracture and was treated with a short-leg posterior splint, limited weight bearing with crutches,

OBJECTIVE: ... (in part) ...

(1). The posterior splint is removed.

(2). although he does have a little bit of swelling medially.

(3). He has a little bit of tenderness at the medial ankle ligament complex,

(4). X-rays: I reviewed three sets of x-rays from Oxford.

(5). He has at least a couple of small cortical evulsions at the tip of the medial malleolus,

ASSESSMENT. . . . (in part) . . .

(1). Patient with a left ankle lateral malleolus fracture, with a medial ankle sprain. He is healed enough to come out of the splint and start weight bearing as tolerated. He should discontinue the crutches when he can comfortably bear full weight, whether that is today, a couple days, or several days down the road.

(2). Now that the splint is removed, any ankle and foot swelling may become more prominently seen and he can have the swelling come and go, depending on his levels of activity as well as amount of time elevation, and can be expected over the next few weeks to few months.

Provided: Robert R. Riedle MD 11/27/2012

Electronically signed by

Robert R. Riedle MD on 11/27/2012 9:23 AM

Pro-Se Plaintiff Samuel Heywood Myles,
... (I'm still having trouble with my left
foot... Pain running across my foot some
four inches up the back of my calf
from my ankle about five inches... As
of date I... ("Samuel Heywood Myles,")
... personally walk with and slight li-
mp)...

Pro-Se Plaintiff Samuel Heywood My-
les... (From the October 8, 2012, incident
regarding my left ankle is that I'm... (I
unable to wear the Institutional issued
... Boots... when walking in these.
... Boots... (or) any Hard-Shoe's my foot
of some to twizzle and... (turn in we-
red)... (also their's and continuing sore-
ness (or) pain my... (left ankle)...

...((A showing of medical malpractice requires expert testimony to establish the standard of care))...

...((expert testimony of practitioner, who personally specialized training in the treatment or management in the field of hypertension (or) hypertensive, who has considerable experience in that subject))...

Come now Pro-Se Plaintiff Samuel Heywood Myles, with and Medical Malpractice Claim regarding and Medical Drug Overdose...

...((A showing of medical malpractice would require(s) expert... (witness)... testimony to fully establish the standard of care))...

Plaintiff Blood pressure would lower and drop to 89/55 from two... (Hypertension (or) Hypertensive)... Medications)...

... (from the) ...

Dorland's Illustrated Medical Dictionary
Hypertension

- (1). abnormally high arterial blood pressure that is usu. indicated by an adult systolic blood pressure of 140 mm Hg or greater or a diastolic blood pressure of 90 mm Hg or greater, is chiefly of unknown cause but may be attributable to a preexisting condition (as renal or endocrine disorder), and that is a risk factor for various pathological conditions or events (as heart attack or stroke)

see ESSENTIAL HYPERTENSION, SECONDARY HYPERTENSION, WHITE COAT HYPERTENSION

- (2). a systemic condition resulting from hypertension that is either symptomless or is accompanied esp. by dizziness, palpitations, fainting, or headache
-

Medical Malpractice Case are Complexity
legal issues necessity of factual investigation
necessity of expert testimony within the Med-
ical field regarding to... ("Hypertension" (or) "Hy-
pertensive")... with end fill elevation of the
... (Blood Pressure esp.)... and expert witne-
ss with direct "Medical" evidence of the ca-
use and effect relationship between the im-
pairment and the degree...

And expert witness is warrent with the
skill's (or) specialized Knowledge within the
comprehensible reason's to fully explain...

- (1). Hypertension (or) Hypertensive
- (2). Blood pressure
- (3). Blood pressure lower and drop
- (4). Hypertension Medication's...
(emL01)IPine)... (LISINOPR)...

Medical Malpractice Case are complexity of legal issues necessity of factual investigation necessity of expert testimony within the Medical field regarding to... ("Hypertension (or) Hypertensive")... with and without elevation of the... (Blood Pressure)... (esp.)...

And expert witness with direct... (Medical Evidence)... of the cause and effect relationship between the impairment and the degree...

And expert witness with... (Skills (or) specialized knowledge within the comprehensible reason's to fully... (EXPLAIN)... within...

(1). the Medical field of Hypertension (or) Hypertensive...

(2). from and full Medical terminology as to how (and) why Plaintiff's Blood pressure would lower and drop to 89/55...

(3). only after some several days of taking (two) Hypertension (or) Hypertensive Medication (or) Medicine's in which would cause

Plaintiff to have adverse reaction from end combination Medication that would cause Plaintiff to pass out...

(4). expert testimony within the Medical Pill regarding to the Medication (or) Medicine's... (enLODIPine... LISINAPR)... treat Hypertension (or) Hypertensive... high blood pressure...

(5). and expert witness who specialized in... (Hypertension (or) Hypertensive) ...reasoning that their testimony would raise a genuine issue of material facts for trial...

This Medical Malpractice Claim Warrant .

..

(1). not only... (expert testimony)... from end within the Medical Pill of... (Hypertension (or) Hypertensive)...

This Medical Malpractice Cases Warrant...

(2). expert testimony as to the particular care regarding the fundamental of having... (Hypertension (or) Hypertensive and dealing with it)...

This Medical Malpractice Case Warrant...

(3). expert testimony regarding to end Medical Drug Overdose...

Medical Malpractice Case's are Complexity, legal issues necessity of factual investigation necessity of expert testimony:

... on and about October 8, 2012, Plaintiff Samuel Haywood Miles, would be treated with end infusion within respect to Medical-Attention regarding to end... (Interveneously)... Use of end... (IV)...

... can enable us to administer a fluid (23) of Medication, blood, water in the form of normal saline infusion solution and nutrients intravenously...

... (Plaintiff Samuel Heywood Myles, would receive within the term of... (Medical Attention)... and... (IV)... (or)... (Intravenous Drops for Normal saline Infusion Solution)... to... (Keep Oxygen Flowing to Plaintiff Samuel Heywood Myles, Brain)...

29th Edition...

Dorland's Illustrated Medical Dictionary

IV... Intravenous

- (1). intravenous
- (2). intravenous drops
- (3). intravenous injection
- (4). intravenously

(1). the act of forcing a liquid into a patient, as into the subcutaneous tissues, the vascular tree, or an organ intravenously (by intravenous injection)...

(1). an apparatus used to administer a fluid (as of medication, blood or nutrients) intravenously. also. a fluid administered by IV...

(2). a fluid administered by IV...

(1). intravenous, . . . , an injection made into a vein.

Medical Malpractice Cases are Complexity of legal issues necessity of factual investigation necessity of expert testimony within the Medical field regarding to . . . (IV . . . (or) . . . Intravenous) . . . usage with and full elevation the . . . (Medical) . . . (terminology) . . .

And expert witness with direct... (Medical Evidence)... of the... (Cause)... and effect relationship between the impairment and the degree of... (Using)... and... (IV)...

And expert witness with... (Skills) (or) specialized knowledge within the comprehensible reasons within the Medical Pill to fully... ("EXPLAIN")...

Medical Malpractice Cases are complexity of legal issues necessity of factual investigation from and skill (or) specialized... (individual)... with the knowledge and comprehensible reasons to fully explain the establish standard of... (Medical Care)... regarding to the... (Human Brain)... and expert witness with... (direct Medical evidence)... of the cause and effect relationship between the impairment and the degree regarding the... (Human Brain) ...

Plaintiff Samuel Haywood Myles, was treated with
and... (Intravenous Drips Sodium Chloride 0.9%
Inj 1000 ML)...

GENERIC NAME:

Intravenous (IV) Fluids (intravenous fluids)

... (from the)...

Dorland's Illustrated Medical Dictionary
Infusion

- (1). the steeping of a substance in water to obtain its medicinal principles.
- (2). the product of the process of steeping a drug for the extraction of its medical principles.
- (3). the therapeutic introduction of a fluid other than blood or saline solution, into a vein.

NOTE: An infusion flows in by gravity, an injection is forced in by a syringe, an instillation is dropped in, and an insufflation is blown in.

infusion

Saline, administration, either subcutaneously or intravenously, of saline solution.

... (Plaintiff Samuel Haywood Myles), was treated with ... (Sodium Chloride 0.9% Inj 1000 ML) ... and Intravenous Drip Normal Saline Infusion Solution ... to "Keep" ... ("OXYGEN-FLOWING") ... to Plaintiff ... (Samuel Haywood Myles) ... (BRAIN) ...

Medical Malpractice Cases are Complexity legal issues necessity of factual investigation of expert testimony from end (all ... (Medical Terminology within the Medical) ... (Finding) ... of the ... ("Human Brain") ...

... (a showing of Medical Malpractice Cases requires expert testimony to fully establish the Medical standard of care)... with Skills, (or) specialized knowledge within the comprehensible reasons to fully... (explain the full Medical Terminology and the... (Functioning of the Human Brain)...

... (From the other of the Book title)...

THE OTHER BRAIN

by...

R. DOUGLAS FIELDS (Ph.D.)

PHILOSOPHIA DOCTOR

"The Other Brain offers an insightful, complex, and nuanced picture of the most interesting substance on earth:

the matter inside our heads."

The Scientific and Medical

Breakthroughs That Will

Heal Our Brain and

Revolutionize Our Health

... (Fact is that while seeking Medical (or) Immediate Medical Attention Plaintiff Samuel Heywood Myles, would personally be... (hook up to end... (EKG) (or) (ECG)... (Machine)... to monitor Plaintiff heart... (electrocardiogram)... (galvanometer)... device that detects and records the minute difference in electrical potential cause by heart action)...

... (EKG (or) ECG Electrocardiogram) .
... Machine to monitor "Plaintiff" heart rate from that recent experience...

... a showing of Medical Malpractice Cases requires expert testimony to fully establish the Medical standard of care with skills (or) specialized knowledge within the comprehensible reasons to fully explain the full Medical Terminology and the... (Functioning (or) Usage of end EKG (or) ECG Machine) .

..

Medical Malpractice cases are complexity
legal issues necessity of factual investigation of ex-
pert testimony from and (full) Medical Terminolo-
gy esp. and expert witness with direct "Medic-
al" evidence of the cause and effect degree.

And expert witness is warrant with the ski-
lls (or) specialized knowledge within the compre-
hensible reasons to fully explain the standard of
Medical Care regarding to the functioning (or) usage
of the... (EKG (or) ECG electrocardiogram galvan-
ometric Machine)...

ECG... electrocardiogram

EKG... electrocardiogram

Come now, Pre-Se Plaintiff Samuel Haywood Myles, who respectfully seek to file and Motion For Reconsideration For Appointment of Counsel (or) Legal Representation Under and Pursuant To 28 U.S.C. § 1915 (d), ... 28 U.S.C. § 1915 (e) (1), ... before and within the United States District Court For The Western District of Wisconsin.

Pre-Se Plaintiff Samuel Haywood Myles, respectfully file and ... (Bivens) ... Complaint under and Pursuant To 42 U.S.C. Section 1983 regarding to and Medical Drug Overdose, Medical Malpractice Cases (are) Complexity (with) legal issues ...

... United States Court of Appeals For The Seventh Circuit Zerner ...

... (After meeting this threshold burden, the plaintiff must demonstrate that her case is one appropriate for the appointment of counsel) ...

... (In *Meelin v. Freeke*, 750 F.2d 885, 887-89 (7th Cir. 1981),

we set out a nonexhaustive list of five factors for courts to consider when deciding such a motion:

- (1). the merits of the plaintiff's claims;
- (2). whether the plaintiff can investigate crucial fact;
- (3). whether trained counsel will better expose the truth;
- (4). the plaintiff's ability to present the case;
- and (5). the complexity of the relevant legal issues.

The complexity of this case come with legal issues state that this case is (so) complex as to require and trained Attorney to litigate Pro-Se Plaintiff and Federal Inmate inform a perperis statute provides that the District Court can request an Attorney to represent any person that's unable to afford Legal Counsel 28 U.S.C. § 1915 (e) (1) ... (and) ... 28 U.S.C. § 1915 (d) ...

...the District Court must recognize that in sum, that this action cannot proceed as pled without appointment of Legal Counsel... 28 U.S.C. § 1915(e)(1)... because of the various legal impediments that's noted within this Medical Malpractice case... 28 U.S.C. § 1915(d)...

... (1), because the claimant lack legal training, the case was complex and the circumstances were exceptional. Agymen... (2), the complexity of the legal issues raised by the complaint. Meclin... (3). Some cases -- those involving complex medical evidence, for example -- are typically more difficult for pro-se plaintiffs. Pruitt... (4). the complexity of the relevant legal issues. Meclin.

...in which the District Court to determine whether the circumstances of a case are sufficient to... warrant... the appointment of... Legal Counsel... the District Court must examine the totality of the situation, focusing on the

merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. . .

Medical Malpractice Cases are Complexity legal issues
necessity of factual investigation of expert testimony from
and full Medical Terminology within the establish Medical
standard of care with skills (or) specialized knowledge
within the comprehensible reasons to fully explain the full
Medical Terminology and as to the . . . (functioning of) . . .

. . . (1). Hypertension (or) Hypertensive

(1). (e). Hypertension Medications . . .

(1). (1). enalapril . . . (2). (2). Lisinopril . . .

. . . (e showing of Medical Malpractice
requires expert testimony to establish
the standard of care) . . .

Medical Malpractice Case are Complexity of legal issues
necessity of factual investigation of expert testimony
from within the Medical field.

... (and expert witness with direct medical evidence of the cause and effect relationship between the impairment and the degree)...

... (1). Under Rule 702, an expert may testify if: (a) the expert's specialized knowledge will assist the trier of fact; (b) the testimony is based upon sufficient facts or data; (c) the... (2). A showing of medical malpractice requires expert testimony to establish the standard of care, except in the rare instance in which common knowledge affords a basis for finding negligence. *Cerney-Heyes*... (3). Zimmer has been able to consult its expert and respond to Dr. Medlin's affidavits and will have the opportunity to question Dr. Medlin regarding all of his methods and opinions - including the new opinions in the *Calculation Affidavit* et al. Dec 1st hearing. Zimmer...

And expert witness with skill (or) specialized knowledge within the comprehensible reasons to fully explain within... (1). testimony from the Medical file of Hypertension (or) Hypertensive... (2). from and full Medical terminology as to how... (and)... why Plaintiff blood pressure would lower and drop to 89/55... (3). from and expert witness reasoning that their testimony would raise a genuine issue of material fact's for trial...

This Medical Malpractice case warrant expert testimony from and within the Medical file as to the particular care and fundamental of having and dealing with... (Hypertension (or) Hypertensive)...

The complexity of this case come with legal issues state that this case is (so) complex as to require and trained Attorney to litigate Pro-Se Plaintiff and Federal Inmate in forma pauperis statute provides that the District Court can request an Attorney to represent any person that's unable to afford Legal Counsel, 28 U.S.C.S. § 1915 (e)(1)... 28 U.S.C.S. § 1915 (d)...

... (2). IV... (intravenous)...

... (an apparatus used to administer a fluid (s) of medication, blood, or nutrients)...

... (intravenously; also, a fluid administered by IV)...

... regarding to Plaintiff Samuel Haywood Haywood Myles, been... (treated)... with intravenous drips Sodium Chloride 0.9%. Inj 1000 ML GENERIC NAME: Intravenous (IV) Fluids (in tech VEE nch FLOODs)

... (from the)...

Dorland Illustrated Medical Dictionary

Sodium Chloride and intravenous drip Normal Saline Infusion Solution to Keep... (OXYGEN FLOWING)... to Plaintiff Samuel Haywood Myles, ("BRAIN")...

Medical Malpractice Cases are Complexity legal issues
necessity of factual investigation necessity of ex-
pert testimony from and full Medical Terminology regard-
ing to the... ("H. Men" "Brain")...

... (1). There, we reversed the court's
decision to deny counsel because of the
"difficult and { 4 F. 3d 289 } settle question
of the state of mind required [to prove]
a fourteenth Amendment violation."
Swickard... (2). Dr. Medlin states in his e-
ffidavit that Dr. Kurtz used only five of
his six total redii measurements (See Cal-
culations Affidavit II 3), but Dr. Kurtz's
report and deposition testimony state
that he used all six measurements. (See
Kurtz Rep. et 3 ("a series of six circumfer-
ential roundness profiles [were] measu-
red at 1.9 mm vertical increments on the
surface of the taper), Kurtz Dep. et
145:17-23 ("Q. ... Why did you take six
circumferential roundness profiles of
the device?

A. Because we wanted to recreate the
triangle, only by making enough exact
measurements... you can reconstruct
the angle." J. Zimmer...

Medical Malpractice Cases are Complexity Level
issues necessity of factual investigation of expert tes-
timony from and (full), Medical Terminology within the
Medical Finding of the... ("Human" "Brain")... showing
of Medical Malpractice cases requires expert testi-
mony to specialized knowledge within the comprehe-
nsible reasons to fully explain the full Medical Termini-
nology and the... (functioning)... of the... ("Huma-
n" "Brain")...

... (1). Medical Malpractice Cases re-
quire expert testimony to establish
the standard of care. Carney-Hoyes...
(2). The defendant has since retained a
medical expert, Dr. George Ventner, in
pediatric electrophysiology. Dr. Kekeva and

... From the author of the book ~~the~~ He...

The Other Brain

"The Other Brain offers an insightful, complex, and nuanced picture of the most interesting substance on earth: the matter inside our heads."

The Scientific and Medical Breakthroughs
That Will Heal Our Brains and Revolutionize
Our Health

R. Douglas Fields' Philosophical Doctor

Do to Plaintiff Samuel Heywood Myles, becoming dehydrated from this adverse reaction causing Plaintiff to receive "immediately" Medical attention at that particular time medical staff would only end... (IV)... apparently to administer end... (intravenous drip) then... (Normal Saline Infusion Solution)... to keep... (OXYGEN FLOWING to Plaintiff Samuel Heywood Myles, Brain)... .

Fact is that while seeking "immediate" Medical Attention Plaintiff Samuel Haywood Myles, would personally, be hooked up to and ... (EKG) ... (or) ... (ECG) ... (Machine) ... to monitor ... ("Plaintiff" "Samuel Haywood Myles") ... heart ... (electrocardiogram galvanometric device that detects and records the minute difference in electrical potential caused by heart action) ...

... We often find counsel necessary when a case involves complex medical evidence. See, e.g., Jackson, 953 F.2d at 1073;

Medical Malpractice Cases are Complexity level issues necessity of factual investigation from and skill (or) specialized individual with the knowledge and comprehensive reasons to fully explain the established standard of medical care regarding to the ... (Full) ... Medical Terminology for ... (EKG) ... (or) ... (ECG) ... (electrocardiogram machine) ...

... (1). other conditions and symptoms are not matters of common knowledge, which means that they would require expert testimony.

B. (11).

Medical Malpractice Cases are complexity legal issues
necessity of factual investigation necessity of expert test-
imony within the Medical field regarding to... (Podiatrist),
... (Chiropractist)... (the Human Foot)... with end full ele-
vation of the... (Fracture)... esp. of the left malleolus
confirmed and expert witness with direct "Medical"
evidence of the cause and effect relationship betw-
een the impairment and the degree.

... (Even assuming that the conclusion
is the same, however, Zimmer is correct that
the methodology and data on which that co-
nclusion is based are different, and the Co-
llections Affidavit, accordingly, is techn-
ically a new opinion. See Only The First, Ltd.

..

And expert witness is warrant with the skill (or) spe-
cialized knowledge within the comprehensible reasons
to fully explain within the diagnosed of a lateral ma-
llectus fracture...

Pre-Su Plaintiff Samuel Heywood Myles, Claim regarding
and Medical Malpractice Claim regarding to end Medical
Drug Overdose from (end) incorrect dose of... (High Ble-
ed Pressure Medications)... (1), am LOPINE... (2).
Lisina... Claim (or) Complaint against Institution
-al Medical Staff of Federal Correctional Institution
Oxford... (1). For injuries sustained as a result of an ex-
cessive dose of the drug Xylazine. Wingstrom... (2). A sh-
ewing of medical malpractice requires expert testimony
to establish the standard of care, except in the rare
instance in which common knowledge affords a basis
for finding negligence. Kenney-Heyes...

Pre-Su Plaintiff Samuel Heywood Myles, Claim regarding
to end Medical Malpractice Claim regarding to end Med-
ical Drug Overdose... (showing of Medical Malpractice
Cases require expert testimony to... (Hilly)... estab-
lish the standard of Medical Care)... Plaintiff blood
pressure would lower and drop to... (89/55)... from
two... (Hypertension Medications)... (1), claim he suff-
ered by reason of alleged improper medical treatm-
ent by prison medical personnel. Muhammed...

And expert witness with skill (s) (or) specialized knowledge within the comprehensible reasons to fully explain within... (1). the Medical History of Hypertension (or) Hypertensive... (2). from and full Medical Terminology as to how (and) why Plaintiff Samuel Haywood Myers, ... (BLOOD-PRESSURE)... would lower and... (Dron to E9/55)... causing Plaintiff Samuel Haywood Myers, to... ("press" "ect")... from and... (combination)... of Hypertension Medication(s)... (3). and expert witness who specialized in... (Hypertension (or) Hypertensive)... reasoning that their testimony would raise a genuine issue of material fact(s) for trial...

... (1). The defendant has since retained a medical expert, Dr. George Kenner, in pediatric electrophysiology... (2). medical malpractice cases require expert testimony to establish the standard of care. Conney-Hoyes... (3). two different surgical expert witnesses, Dr. Sidney Ruchsheim and Dr. Gay Dejon, because such testimony would be cumulative. Perry-the...

... when recruiting counsel the court have to take into account the difficulty of the Plaintiff's claim to be competent to litigate those claims himself. The difficulty of this case considered (both) ... (1) expert testimony... (requires expert testimony, Carney-Heyer)... ("all witnesses who are to give expert testimony, Fordythe)... (2) and due to the complex issues this case warrants and attorney... (Likewise, there are no hard and fast rules for evaluating the factual and legal difficulty of the plaintiff's claims). We have previously observed that some cases -- § 503 F.3d LSL } those involving complex medical evidence, for example -- are typically more difficult for pro-se plaintiffs. See Zarnes)... (Stewart, J., concurring). Unskilled in law, uncited by counsel, and unable to leave the prison, a pro-se prisoner's control over the processing of his notice necessarily ceases as soon as he hands it over

to the only public officials to whom he has access - the prison authorities - and the only information he will likely have is the date he delivered the notice to those authorities and the date ultimately stamped upon it... these prisoners cannot personally travel to the courthouse to see that the notice is stamped "filed" or to establish the date on which the court received the notice. Fellen).

The difficulty of any Medical Malpractice case - factually and legally -- exceeds the particular Plaintiff's capacity as a lay person to coherently present it to the judge (or) jury himself in given the degree of difficulty when seeking witness in the Medical field as expert witness the case warrant elevating the factual and legal standard that can only come from legal counsel (or) and train Attorney...

... (1). involving complex Medical Malpractice evidence (or) issues requires expert testimony...

See... (EXHIBIT... C.(A)).

Patient Medication Information
on LODIPINE 10MG TAB

GENERIC NAME: AMLODIPINE (am-LOE-di-peen)

See... (EXHIBIT... C.(B)).

Bureau of Prisons Health Services

Clinical Encounter - Administrative Note

Generated 12/25/2012 19:15 Melcom, Brad RN

Bureau of Prisons - OXF Page 3 of 4

See... (EXHIBIT... C.(C)).

Bureau of Prisons Health Services

Clinical Encounter - Administrative Note

Generated 12/25/2012 19:15 Melcom, Brad RN

Bureau of Prisons - OXF Page 5 of 6

Do to Plaintiff Samuel Heywood Myles, becoming dehydrated from this adverse reaction causing Plaintiff Samuel Heywood Myles, to receive... ("Immediate Medical Attention")... at that particular time Medical Staff would use and... (IV)... connects to... ("administer")... and... (Intravenous)... drips per... (Normal Saline Infusion Solution)... to keep... ("OXYGEN")... flowing to Plaintiff Samuel Heywood Myles... (BRAIN)... (1). case involves complex medical evidence. See, e.g., Jackson,)... (2). which led to an anoxic brain injury. Forsythe)...

Medical/Medpractice Case are complexity legal issues necessity of fact... ("investigation")... (1). prose Plaintiff was incapable of engaging in any investigation; or locating and presenting key witnesses or evidence; Pruitt)... necessity that warrant both...

(1). legal counsel... (1). appointment of counsel. In Maclin)... (2). complex medical evidence. See, e.g., Jackson)... (3). Some cases-- those involving complex medical evidence, for example-- are typically more difficult for prose plaintiffs. Pruitt)... (4). because the claimant lacked

training, the case was complex and the circumstances were exceptional. Agymen)...
(5). unable to leave the prison, ... those prisoners cannot personally travel to the courthouse... and evidence on any of these issues will be hard to come by for the prisoner confined to his cell. Fellen...

(1). expert testimony regarding to the Medication (or) Medicine... (Normal Saline Infusion Solution)... (See... D.(A). 2 Pgs) EXHIBIT... end... (See... D.(B), EXHIBIT)...

A showing of Medical Malpractice Claim requires expert testimony to fully establish the Medical-Standard of Care with skills (or) specialized knowledge within the comprehensive reasons to fully... ("explain")... within the Medical Pill of Pharmaceutical Medication (or) Medicine...
(1). Kingstrom... (2). medical malpractice requires expert testimony (Corney-Hoyes)...

This... (Claim (or) Case)... ("verrent")... expert testimony regarding to Plaintiff being treated with Infusion Solution to keep OXYGEN flowing to the... (BRAIN)...

Medical Malpractice Cases are complex: ... (1), (5).
the complexity of the relevant legal issues, MacLin's)...
(2). Medical Malpractice, Corney-Heyes)... (3). the case
was complex and the circumstances were exception-
al. Aggeman)... legal issues necessity of factual inv-
estigation... (4). For example, if the record demonst-
rates that the pro se plaintiff was incapable of enga-
ging in any investigation, or locating and presenting
key witnesses (or) evidence; Pruitt)... necessity of
expert testimony...

Pro Se Plaintiff Samuel Haywood Myles, in regard to
receiving... (Medical Attention)... Plaintiff Samuel Haywood My-
les, would be treated with and... (Infusion)... (IV)... In-
travenous drips per... (Normal Saline Infusion Solution...
... (See... D. (A). 2 Page EXHIBIT Patient Medication In-
formation Sodium CHLORIDE 0.9% Inj 1000 ML GENERIC NA-
ME: Intravenous (IV) Fluid (in trch VEE nchs FLOOD id's)...
(See... D. (B). Bureau of Prisons Health Service Clinical Enc-
ounter Administrative Note)... intravenous drips per
... (Normal Saline Infusion Solution)... to keep... (OXYB-
EN)... flowing to Plaintiff Samuel Haywood Myles, BRAIN...

Medical Malpractice Cases are Complexity legal issues
necessity of factual investigation from and skill (co)
specialized individual with the knowledge and compr-
ehensive reasons to fully explain the establish standard of
medical care regarding to the medical terminology per
... (LKB) ... (co) ... (ECB) ... and the use of and ... (LKB)
... (co) ... (ECB) ... ("machine") to monitor the ... ("Hem-
en" "Heart" "Rate") ... by way of electrocardiogram
a galvanometric device that detects and records the
minute difference in electrical potential caused by
heart action...

... (1) evidence through two different surgi-
cal expert witnesses, Dr. Sidney R. Schreier and Dr.
Boy Degen, because such testimony would be cumu-
lative. For the ... (2) case involves complex me-
dical evidence. See, e.g., Jackson ... (3) the com-
plexity of the relevant legal issues ... given the di-
fficulty of the case. Zerner...

Medical Malpractice cases are complexity legal issues
necessity of factual investigation... (1). nor do he has the
ability to investigate the facts of the case, Dr. H. ... neces-
sity of expert testimony... (2). reliability of expert testimo-
ny, Lapley...

Plaintiff Samuel Haywood Myles, while receiving Medical At-
tention from this... ("near" "death" "experience"), ... would
be hooked up to an... (EKG)... (ECG)... machine to monitor the
... ("Human" "Heart")... by way of electrocardiogram a gal-
vanometric device that detects and records the minute
difference in electric potential caused by heart action...

... electrocardiographic galvanometric dev-
ice that detects and records the minute differ-
ence in electric potential caused by heart ac-
tion and occurring between different parts of
the body...

See... (EXHIBIT... E. (A).

Bureau of Prisons

Health Services

Clinical Encounter - Administrative Note

Medical Malpractice Cases... ("come's")... with complexity... (1)... legal issues that's necessity of factual investigation necessity that warrant both...

... (1). legal counsel...

... (1). to investigate the facts of the case. Pruitt... (2). the ability of the indigent to investigate crucial facts. Beanhill... These efforts demonstrate Zarnes's ability to investigate the underlying facts despite her incarceration in California, Zarnes...

... (2). expert testimony...

... (1). expert testimony from Ms. Penker's treating hematologist (blood doctor) Forsythe)... (2). medical malpractice requires expert testimony. Corney-Hayes... (3). expert testimony in extreme case. Richards...

On and about October 8, 2012, Pre-De Plaintiff Samuel Heywood Myles would become light headed, at that particular time Plaintiff would personally report this to the Unit Officer Mr. Greenlee, before passing out...

Plaintiff Samuel Heywood Myles, body weight would shift to the left side of his left leg... being unable to... (walk) ... Medical Staff Registered Nurse Brad Melcom, would dis-
se Plaintiff and... (pair of crutches)...

On and about October 18, 2012 some x-rays of... (X-Rays)... would be taken of Plaintiff left ankle...

... (1). radiograph made by x-ray...

... (2). to examine, photograph, on treat with x-ray...

... (3). medical malpractice cases require expert testimony to establish the standard of care. Conroy-Hayes...

... (4). We often find counsel necessary when case involves complex medical evidence. See. E-3, Jackson...

On and about October 18, 2012, some... (10-17 days) -
after and from the October 8, 2012, incidenten, would
Institutional Medical Staff Registered Nurse Mr. Br-
ed Malcom, would personally receive some, three se-
t's of... ("X"- "Reys")... from the Institution radio-
logist...

... hospital where x-rays were taken,
Zarnes... plaintiff told Dr. Kelker that
his left ankle pain had lessened with the
immobilizer boot. Balsewicz... had
reviewed new x-rays, Bellerd... medic-
al malpractice cases require expert te-
stimony to establish the standard of ca-
re. Carney-Heyes...

... only to reveal that from... (his)... finding is the
+ after reviewing the three set's of... ("X"- "Reys")...
is that Plaintiff Samuel Heywood Myles, ... (left ankle
was broken on both sides...

From his finding Institutional Registered Nurse Mr. Brad Melcom, would personally request that the Institutional Medical Staff Doctor, Doctor King, to personally review... (all)... three set's of... (X-Rays)... Doctor King, would personally affirm that from the... ("X"- "Rays")... taken some... (10-12 days) later is that Plaintiff Samuel Heywood Myles, ... (left ankle was broken on both sides))...

On and about October 18, 2012, Doctor King, would fully examine Plaintiff Samuel Heywood Myles, ... (fracture left foot, ankle and left leg only to take notice that Plaintiff Samuel Heywood Myles, left foot still continued to have swelling and discoloration in his foot)...

At that particular time Doctor King, would personally recommend that Registered Nurse Mr. Brad Melcom, to treat Plaintiff Samuel Heywood Myles, with and short-leg posterior splint with ace wrap and instruction for RICE therapy and limited weight bearing...

Medical Malpractice Cases are complexity of legal issues necessity of factual investigation from and skill (or) specialized individual with the knowledge and comprehensive reasons to fully explain the established standard of Medical Care regarding to the... ("Humerus" "Foot") ... (Podiatrist (or) Chiropracist)...

... (indicate additional left ankle x-rays were performed on and about November 19, 2012, report indicated, "Fracture of the left malleolus confirmed")

...

On and about November 27, 2012, Plaintiff Samuel Heywood Myles, would be transported to Mile Blue Clinic, LLP Mile Blue Medical Center, and at that particular time Plaintiff Samuel Heywood Myles, would personally be seen by Medical Staff Doctor, Doctor Robert R. Riedley and... (Orthopedic Specialist)... who at that particular time would... (personally)... diagnosed Plaintiff Samuel Heywood Myles, with a lateral malleolus fracture...

From Orthopedic Specialist Medical Doctor, Doctor
Robert R. Riedle, assessment of the... ("X"- "Ray's")

... (OBJECTIVE IN PART)...

... (The posterior splint is removed)...
although he does have a little bit of swelling
medially)... (The patient notes some
tenderness to palpation throughout the
majority of the length of the fibula)... (He
has a little bit of tenderness at the med-
ial ankle ligament complex)... (L calf
compartment is soft and nontender.)

... (X-rays IN PART)...

... (I reviewed three sets of x-rays
from Oxford)... (This consists of an ankle
series and a foot series from October)
... (These show the nondisplaced later-
al malleolus fracture)... (He has at le-
ast a couple of small cortical evulsions
at the tip of the medial malleolus, but

the medical malpractice it self has a little bit of mishapen characterization,)...

ASSESSMENT: See Exhibit Documentation:

On and about November 27, 2012, Orthopedic Specialist Medical Doctor Robert R. Riedle, diagnosed Plaintiff with a lateral malleolus fracture and removed splint... continued left foot, ankle swelling may become more prominently seen Plaintiff can have swelling come and go, depending on levels of activity...

Medical Malpractice Cases are complex, of legal issues, necessity of factual investigation... (medical malpractice requires expert testimony to establish the standard of care, Conney-Heyes)... (We often find counsel necessary when a case involves complex medical evidence, see, e.g., Jackson)... (evidence on any of these issues will be hard to come by for the prisoner confined to his cell... pro-se prisoners cannot personally travel to the courthouse, fallen)...

from and skill (or) specialized individual with the knowledge and comprehensible reasons to fully explain the establish standard of Medical Care regarding to the ... (Human Foot) ... (Orthopedic Specialist) ... and expert witness with direct ... (Medical Evidence) ... of the cause and effect relationship between the impairment and the degree) ...

Medical Malpractice cases requires expert testimony to establish the medical standard of care to fully explain the full medical terminology and the functioning of the ... (Human Foot) ...

... (1). Where the indigent is in no position to investigate crucial facts, counsel should often be appointed. (MacLin) ... (2). nor do he has the ability to investigate the facts of the case, nor do he has the ability and/or locating interviewing the other. (Pruitt) ... (3). We often find counsel necessary when a case involves complex medical evidence. See, e.g., Jackson) ... (4). A showing of medical malpractice requires expert testimony to establish the standard of care, (Carney-Hayes) ... (5). the expert has applied the principles and methods reliably to the facts of the

case, Persythe)...

(medical malpractice cases requires expert testimony to establish the standard of care. Corney-Heyes v. Northwest Wisconsin Home Care, Inc.)... (the ability of the indigent plaintiff to investigate crucial facts undecided by counsel, Jackson v. County of McLean)... Medical Malpractice Cases are complexity with legal issues necessity of factual investigation necessity that warrant both... (1). legal counsel... (2). expert testimony...

At this particular time Plaintiff is unable to wear the Institution issued... ("Boot's")... when walking in these Boots Plaintiff foot same to... (twizzle and turn inward also Plaintiff Samuel Heywood Myles, is still having and continuing soreness within his left foot, ankle and left leg...

Pain... ("still")... remain across Plaintiff left foot ankle and some five inches up the back of Plaintiff left leg as well as of date Plaintiff Samuel Haywood Myles, when walking have and has been altered also as of date Plaintiff walk with and slight limp...

At this particular time from the October 8, 2012, incident Plaintiff Samuel Haywood Myles is still having pain (or) trouble with his left ankle, foot and pain in his left leg...

... (1). chronic left ankle pain. Believes... (2). His neurological examination was positive, disclosing relative weakness of his right leg and foot. (Muhammad,)... (3). Defendants/Knewen should have known that failure to allow Plaintiff to wear his prescription shoes would cause him harm and that Plaintiff was harmed by Defendant refusal to allow him to wear such shoes. (Monell,)...

... (See Attachment)...

... (Page, (P. (11)... and... (Page, (P. (12)...
... (Also see Attachment of (9) Page Exhibit...

... EXHIBITS TABLE OF CONTENTS ...

- F.(A). Exhibit ... (F.(A)) ... from the ... Derland's Illustrated Medical Dictionary ... Page 695
... (Foot. (Top), Longitudinal section; (bottom), dorsal aspect.
- F.(B). Exhibit ... (F.(B)) ... from the ... Derland's Illustrated Medical Dictionary ... Page 709
... (Plate 18 - Various Types of Fractures).
... (1). the breaking of part, especially a bone ... (2). a break or rupture in a bone
... (Colles' Fr., Fracture of the lower end of the radius in which the lower fragment is displaced posteriorly (see Plate 18) ...
- F.(C). Exhibit ... (F.(C)) ... from the ... Derland's Illustrated Medical Dictionary ... Page 1051
... (Malleolus lateralis (lateral malleolus) and malleolus medialis (medial malleolus), articulating with the talus in the ankle joint.

F.(11).

... EXHIBITS TABLES OF CONTENTS ...

- F.(D). Exhibit... (F.(D))... Bureau of Prisons Health Services Clinical Encounter.
- F.(E). Exhibit... (F.(E))... Bureau of Prisons Health Services Clinical Encounter - Administrative Note.
- F.(F). Exhibit... (F.(F))... Bureau of Prisons Health Services Consultation Request.
- F.(G). Exhibit... (F.(G))... Mile Bluff Clinic, LLP
Mile Bluff Medical Center.
- F.(H). Exhibit... (F.(H))... Bureau of Prisons Oxford Medical Administrative Notes.
- F.(I). Exhibit... (F.(I))... (E-Mail)... "MYLES, ~ ~ ~
!SAMUEL HAYWOOD" <06212041@inmate.mesage.com>
10/21/2013 9:28AM >>> TO DOCTOR MALATINSKY

Come now Pro-Se Plaintiff Samuel Heywood Myles, who respectfully seek to file and Motion before and within the United States District Court For The Western District of Wisconsin, at this particular time Pro-Se Plaintiff PRAY that the District Court... ("GRANT")... his Motion for Reconsideration For Appointment of Legal Counsel Under And Pursuant To...

Section... 28 U.S.C.S. § 1915 (d)

Section... 28 U.S.C.S. § 1915 (e)(1)

Medical Malpractice Case come's with Complexity... (Legal Issues)... necessity of factual investigation... (evidence on any of these issues will be hard to come by for the prisoner confined to his cell, Cf. *Fallen vs. United States*)... (The district court should also take into consideration the complexity of the legal issues raised by the complaint in deciding whether to appoint counsel for an indigent. *Maclin vs. Dr. Frecke*)... of expert testimony from and within e... (full)... Medical Terminology with skills (or) specialized knowledge within the comprehensible reason to fully explain the Medical Standard of Care and as to the... ("Functioning")... of...

- (A). Hypertension (or) Hypertensive, ...
- (1). (c). Hypertension Medication, ...
- (1). (1). enalapril, ... (1), (2). Lisinopril, ...
- (2). IV, ... intervention, ...
- (3). Nifedipine Infusion Solution, ...
- (4). EKG (or) ECG electrocardiogram, ...
- (5). Pediatric (or) Child, ...

... (Given the Wells decision, it should have been apparent from the outset that Jackson needed the expert testimony of a physician or health professional to prove two essential elements of his claim: Jackson vs. County of McLean) ...

Come now, Pre-3e Plaintiff Samuel Heywood Mylor, who respectfully, ("PRAY") ... that the District Court, ... ("GRANT") ... Pre-3e Plaintiff Motion for Reconsideration For Appointment of Legal Counsel Under And Pursuant To, ...

Section, ... 28 U.S.C. § 1915 (d)

Section, ... 28 U.S.C. § 1915 (e)(1)

... (1, medical malpractice case requires expert testimony to establish the standard of care. Carney-Heyes vs. Northwest Wisconsin Home Care),...

... (and expert witness with direct Medical evidence of the cause and effect relationship between the impairment and the degree)... From the complexity of this case come's with legal issues state, that this "particular" case is (so) complex that it require and trained Attorney to litigate Pro-Se Plaintiff... (Elcim)...

Come now, Pro-Se Plaintiff Samuel Heywood Myles, and Federal Inmate who come before the District Court, inform a person's state provides that the District Court... (request)... (er)... (appointment)... Legal Counsel to represent Plaintiff who at this particular time is unable to afford Counsel... and that the United States District Court For The Western District Of Wisconsin, to respectfully... (GRANT)... Plaintiff Motion For Reconsideration For Appointment Of Counsel Under And Pursuant to... (both)... 28 U.S.C.S. § 1915 (d)... and... 28 U.S.C.S. § 1915 (e)(1)...

... (ORDER BY THE DISTRICT COURT)... (in part) ...
... (Dated: June 18, 2015,)... DKt. ## 33-35. In addition to determining whether plaintiff has made his own efforts to recruit counsel, the court also considers whether the complexity of the case exceeds plaintiff's ability to litigate it, *Santiago vs. Wells*,)... (*Pratt vs. Metc*,)...

... (ORDER BY THE DISTRICT COURT)... (in part) ...
... (Dated: June 18, 2015,)... Although medical case claims can be complex and sometime require expert testimony... (from *Pose*, (6), (2). Hypertension (or) Hypertensive, Hypertension Medication, IV Normal saline Infusion Solution, LKG (or) LKG, and Podiatrist (or) Chiropractist)... that, necessity of factual investigation necessity that warrant both legal counsel and expert testimony)... (expert testimony, *Ferry the vs. Parker*)... (expert testimony, *Bellend vs. Zimmer*)... (expert testimony, *Jackson vs. County of McLean*)... (expert testimony, *Richards vs. Mendivil*)...

... (ORDER BY THE DISTRICT COURT... in part)...
... (Dated: June 18, 2015,): At this time I cannot
say whether that will be true of plaintiff's cle-
ims because the facts have not been developed
at this point. Up to now, plaintiff has been an ac-
tive advocate for himself and was able to fol-
low this court's instructions on providing evidence
of his efforts to recruit counsel.

... (ORDER BY THE DISTRICT COURT... in part)...
... (Dated: June 18, 2015,): this court's instruct-
ion on providing evidence of his efforts to recr-
uit counsel,

(1). indigent Pro-Se Plaintiff Samuel Haywood My-
les, have and has made reasonable efforts to attain
... (Legal Counsel)...

(2). indigent Pro-Se Plaintiff Samuel Haywood Myles,
have and has attempt to attain Legal Counsel by forward-
ing even some... (170-Letter's)... to Attorney Offices,

... (ORDER BY THE DISTRICT COURT... in Part)... DKt. # 33. To show that he has made efforts on his own to recruit counsel, plaintiff included copies of letters from more than three lawyers who have declined to assist him,)...

In responding to the District Court's Order, Plaintiff Samuel Heywood Myler, has forwarded some... (19 copies of letters from some... (16-9 to 11)... showing that Plaintiff heve and has acted in good faith when attempting to obtain legal counsel)...

Come now, Pro-Se Plaintiff Samuel Heywood Myler, who respectfully seek to file and Motion for Reconsideration For Appointment of Counsel... (Under And Pursuant To... (b)(7)(h)... (Section... 28 U.S.C. § 1915 (d)... Section... 28 U.S.C. § 1915 (e)(1)... that the United States District Court For The Western District Of Wisconsin, to respectfully... ((GRANT))... Pro-Se Plaintiff Samuel Heywood Myler, Motion for Reconsideration For Appointment of Counsel.

Medical Malpractice Cases come's with Complexity
... (Legal Issues)... necessity of factual investigation
necessity that warrant both... (1). Legal Counsel...
(2). Expert Testimony the Court have to take and
account the difficulty of Plaintiff claim to be compe-
tence...

The difficulty of this case considered expert testi-
mony do to the complex... (Medical-Issues)... and
expert witness with direct Medical evidence
of the cause and effect relationship between the im-
pairment and the degree...

... So, medical malpractice cases requires ex-
pert testimony to establish the standard of
care. Carney-Hoyes vs. Northwest Wisconsin
Home Care)...

(1). indigent Pro-Se Plaintiff Samuel Heywood Myles, have
and has made reasonable efforts to attain expert wit-
ness... See: Attachment (1). page Exhibit...

(2). The difficulty of any... (Medical Malpractice)... case factually and legally -- exceeds the particular Plaintiff's capacity as layperson to coherent present it to the Judge (or) Jury himself in given the degree of difficulty when seeking... (expert witnesses within the Medical field)...

... [Record No. 48-4, pp. 12-13] The defendant has since retained a medical expert, Dr. George VanHorne, in pediatric electrophysiology... (For example, if the record demonstrates that the prose plaintiff was incapable of engaging in any investigation or evidence. Pruitt)... ("[6] only one expert witness on each subject... each expert's testimony shall be specified.")...

(3). and expert witness is... (went on)... with direct Medical evidence of the cause and effect relationship between the impairment and the degree states that this "particular" case is (so) complex that it would... (require)... and trained Attorney...

Come now Pre-3e Plaintiff Samuel Haywood Myles, who
Pray that the District Court... ("GRANT")... in favor of
Pre-3e Plaintiff Samuel Haywood Myles, Motion for... Rec-
onsideration For Appointment of Counsel...

Under And Pursuant To...

Section 28 U.S.C. § 1915 (d)

Section 28 U.S.C. § 1915 (e)(1)

who have and has showed and act in good faith in-
which this case present complex legal issues that re-
quire Legal Counsel...

The District Court "improperly denied" Counsel
when it failed to consider... (competency)... of
Pre-3e "Prisoner" (or) Inmate...

... See Attachment of (1) Page Exhibit from Plein-
iff Judgement And Commitment in part)...

87. Education and Vocational Skills...

who ... ("DROPPED") ... out of High School in the ... (tenth grade) ... to represent himself, in addition to the complexity of case, the District Court should consider "Plaintiff's" literacy, skills, education level litigation experience [?], ... intellectual capacity ... issues are too complex for Plaintiff litigate and file detailed discovery ...

Come now Indigent Pro-Se Plaintiff Samuel Haywood Myles, who respectfully have and has demonstrated reasonable attempts to secure counsel on his own "Plaintiff" case prerequisite to the Court's consideration of Appointed Counsel.

Come now Indigent Pro-Se Plaintiff Samuel Haywood Myles, who seek to file and Motion for Reconsideration For Appointment of Counsel Under And Pursuant To Section 28 U.S.C. § 1915 (d) and 28 U.S.C. § 1915 (e)(4) that the District Court, ... (GRANT) ... Indigent Pro-Se Plaintiff Samuel Haywood Myles, for Reconsideration For Appointment of Counsel ...

After meeting this threshold burden, the plaintiff must demonstrate that he or she is one appropriate for the appointment of counsel. In *Maclin v. Facke*, 650 F.2d 885-89 (7th Cir. 1981), we set out a nonexhaustive list of five factors for courts to consider when deciding such a motion: (1), the merits of the plaintiff's claims; (2), whether the plaintiff can investigate material facts; (3) whether trained counsel will better expose the truth; (4), the plaintiff's ability to present the case; and (5), the complexity of the relevant legal issues. More recently, however, we stated that "the necessary inquiry is simpler than Maclin's multifactorial approach implies; given the difficulty of the case, [does] the plaintiff appear to be competent to try it himself and, if not, would the presence of counsel [make] a difference in the outcome?" *Farmer vs. Heas*, 990 F.2d 319, 322 (7th Cir.), cert. denied, 122 L. Ed. 2d 372, 114 S. Ct. 438 (1993). Thus, courts now have an alternative, easier method for deciding these motions, one that we now employ. *Page* (2), (3).

... The defendant last attended Scott High School in 1974 in the tenth grade. There is nothing to indicate that the defendant completed his formal high school education or high school equivalency...

... (In requesting counsel, the inmate offered evidence to show that he had an educational level of a sixth grader... the judge will normally take into consideration the plaintiff's literacy, communication skills, educational level... Pruitt submitted the results of prison tests showing he had the educational level of an early sixth grader (his composite math and reading scores put him at grade level 6.2). Pruitt)...

... (These efforts demonstrate Zerner's ability to investigate the underlying facts despite her incarceration in California, as well as her apparent ability to present her claims. Zerner)...

Thus, courts now have an alternative, easier method for deciding these motions, one that we now employ... Larnes...

Come now Pre-8e Plaintiff Samuel Heywood Myles, who pray ~~that~~ the District Court GRANT in favor of Plaintiff's motion for Reconsideration For Appointment of Counsel,

These factors, as outlined by Maclin and its progeny, include: (1). whether the merits of the claim are colorable; (2). the ability of the indigent to investigate crucial facts; (3). whether the nature of the evidence indicates that the truth will more likely be exposed where both sides are represented by counsel; (4). the capability of the indigent to present the case; and (5). the complexity of the legal issues raised by the complaint. Maclin, 250 F.2d at 887-888. Significantly, Jackson also stressed that the district court should not undertake the Maclin inquiry without first

determining whether the prisoner made reasonable efforts to retain counsel before resorting to an appointment by the court. Jackson, No. 89-3238, slip op. at 5. By requiring to the court to consider such efforts as a prerequisite to an application of the Meelin analysis, we hoped to provide the district court with further insight into distinguishing meritorious claims from those "patently frivolous and designed solely for the purpose of harassment." *Id.* at 6. Bernhill...

Come now Pro-Se Plaintiff Samuel Heywood Myles, who respectfully seek to file and Motion for Reconsideration For Appointment of Counsel... (Under And Pursuant To)...

Section . . . 28 U.S.C. § 1915 (d)

Section . . . 28 U.S.C. § 1915 (e)(1)

Plaintiff "Pray" that The United States District Court to . . . (GRANT) . . . leave and appoint Legal Counsel...

Five factors are to be considered in determining whether an indigent civil litigant's request for counsel should be granted. These factors are: (1). the merits of the indigent's claim for relief; (2). the ability of the indigent plaintiff to investigate crucial facts unaided by counsel; (3). whether the nature of the evidence indicates that the truth will more likely be exposed where both sides are represented by counsel; (4). the capability of the indigent to present the case; and (5). the complexity of the legal issues raised by the complaint. Failure to identify and discuss these factors when ruling on a 28 U.S.C. § 1915(d) motion will be treated as clear abuse of discretion by the district court, Jackson...

is no other information to indicate the degree of the defendant's personal use of controlled substances. There is nothing to indicate that the defendant has ever participated in a drug treatment program of any kind.

Education and Vocational Skills

87. In an interview with U. S. Pretrial Services in December 1993, the defendant indicated that he completed a portion of high school at Libbey High School in Toledo, Ohio. The Lucas County presentence report indicated that the defendant had attended Libbey and Scott High Schools in Toledo, Ohio. The defendant last attended Scott High School in 1974 in the tenth grade. There is nothing to indicate that the defendant completed his formal high school education or high school equivalency.

Samuel Haywood Myers